

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, January 3, 2018**

5 **5:00 p.m.**

6 **Cottonwood Heights City Council Room**

7 **2277 East Bengal Boulevard**

8 **Cottonwood Heights, Utah**
9

10 **ATTENDANCE**

11
12 **Members Present:** Chair Craig Bevan, Allen Orr, Graig Griffin, Chris Coutts, Jesse Allen,
13 Alternate Bob Wilde

14
15 **Staff Present:** Community Development Director Brian Berndt, Senior City Planner
16 Michael Johnson, City Planner Andrew Hulka, City Attorney Shane
17 Topham, City Recorder Paula Melgar

18
19 **Excused:** Sue Ryser
20

21 **WORK SESSION**
22

23 Chair Craig Bevan called the meeting to order at 5:00 p.m. The Commission reviewed and
24 discussed the agenda items.

25
26 *(At approximately 5:11 p.m. a brief break was taken to address audio recording issues. The*
27 *meeting resumed shortly after, at approximately 5:15 p.m.)*
28

29 **1.0 Review Business Meeting Agenda.**

30
31 The agenda items were reviewed and discussed.
32

33 **2.0 Public Comment/Communication Policy Update.**
34

35 **3.0 City-Wide Land Use Discussion.**
36

37 Senior City Planner, Michael Johnson, reviewed a request for a zone map amendment. He
38 explained that the land use designation along the Highland Drive Frontage Road is Residential
39 Office and has been since 2009 when the RO designation was created. The majority of the
40 complaints received pertained to light pollution. A map of the surrounding area was displayed.
41 Mr. Johnson pointed out that when the Planning Commission reviews a proposed development
42 they have the authority to ensure that the lighting looks and operates properly and mitigates a
43 perceived impact.
44

45 Chair Bevan commented that home values should not be affected. Mr. Johnson concurred.
46

4.0 Additional Discussion Items

Mr. Johnson reported there is a City project planned to improve the intersection, which is similar to an interchange improvement project. He confirmed that going southbound onto La Cresta, there will be a dedicated right turn lane. The Highland Drive and Fort Union Intersection Widening Project will begin this summer and improve that intersection, particularly during busy commute times.

The Commission next discussed a public hearing item regarding a home occupation application for a home daycare on Cloverdale Road. The application was initially submitted in late 2016. There were a number of nuisances on the site and it was determined to be unfit for occupation. The matter was tabled until the nuisances could be resolved. Staff reviewed photos and the condition of the property was reviewed.

The proposed Accessory Dwelling Unit Ordinance revisions were described. Mr. Johnson stated that there was no pressure to take action at this time. He confirmed that the matter could be continued to a future meeting. There was a desire for the property owner occupying the unit on a full-time basis to go through a Landlord Certification Program. Staff was willing to work and refine the process if there is a specific program in place. Currently, as part of the approval process, the homeowner must provide documentation confirming that they have completed the program and meet the City requirements. Parking issues were discussed. Mr. Johnson confirmed that the last requirement states that the City may revoke or choose to deny the renewal of any property with unresolved violations of the City Code caused by the operation of an Accessory Dwelling Unit (ADU). Staff agreed to add their revision to specify and refer to the Landlord Certification Program and schedule a joint Work Session for further discussion. The matter was to remain on the agenda as an action item going forward.

The Work Meeting adjourned at 5:55 p.m.

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Bevan called the meeting to order at approximately 6:00 p.m. and welcomed those in attendance.

Chair Bevan reported that Commissioner Joseph Demma has moved and will no longer be serving on the Planning Commission. He publicly expressed the City's gratitude to Commissioner Demma for his service. Chair Bevan considered Joseph Demma to be a level-headed individual who sometimes viewed things differently than others. He brought balance to meetings when issues got heated. Commissioner Wilde serves as an Alternate Member and was graciously present and willing to fill in on his behalf.

2.0 CITIZEN COMMENTS

Lynne Kraus commented that she dislikes the speaker cards and is sometimes unsure whether she will be making a comment. She viewed them as bureaucratic and intimidating to some.

Michael Evans requested that a 'No Right Turn' sign be posted at 2000 East and La Cresta. He considered this to be a dangerous intersection and was concerned that the safety of citizens is at stake. Mr. Johnson reported that the issue came up during the Work Session. He explained that the City has a project starting this summer or shortly thereafter, to add a dedicated right turn lane on south bound Highland Drive onto La Cresta.

Jin Frederickson also did not like the speaker cards and emphasized the need for better meeting notifications. She suggested a banner be placed at City Hall that would announce meetings and urged staff to provide better navigation of the City's website.

Community Development Director, Brian Berndt, confirmed that the ADU public hearing was closed two meetings ago. As a result, there would be no dedicated line item for comment on the ADU matter during the remainder of the Planning Commission's deliberations.

Ms. Kraus suggested that billboards be used to announce City meetings.

Ms. Frederickson commented that the proposed ADU draft ordinance is missing significant details. She suggested it cannot be discussed without them. Her fear was that without the ADU square footage limitations, the line is blurred and single-family buyers will be eliminated.

3.0 PUBLIC HEARINGS

3.1 (Project #ZMA-17-005) Request from Mark and Rhonda Swant for a Zone Map Amendment to the Properties Located at 6672 and 6690 South Highland Drive Rezone from R-1-8 to Residential Office (RO).

Mr. Johnson presented the staff report and gave a brief overview of the project. He reported that the request involves property located at 6672 and 6690 South Highland Drive. The existing land use designation is Residential Office and was created by staff in 2009 as a middle ground between Residential and Regional Commercial. It allows uses that serve as a buffer between a busy corridor and the existing neighborhood. The property is currently zoned R-1-8. The north property has been in operation as a commercial preschool. Mr. Johnson noted that the two properties to the south were rezoned from R-1-8 to RO in 2012 or 2013 and previously consisted of five residential properties.

The applicant, Mark Swant, stated that it is their intent to move from their Midvale location and build a medical office specializing in plastic surgery and aesthetics.

Commissioner Wilde remarked that Ordinance Section 19.35.010 suggests that an RO zone is restricted to specific locations and uses that will not increase traffic through residential neighborhoods. He asked how this property qualifies with that restriction.

1 Mr. Swant confirmed that the property will be accessed from Highland Drive and is an
2 appointment-only facility. Adequate parking will be provided. He did not anticipate the need for
3 street parking. The building footprint will be 5,000 square feet on two levels on a .70-acre lot.
4

5 Mike Evans reported that he lives on the west segment along Village Road and his property abuts
6 both of the properties. He was in favor of improving the property as it is currently rundown and
7 vacant. Concern over the street parking and lighting were expressed. He felt there was better
8 coverage in the neighborhood when they were under the County.
9

10 There were no further public comments. The public hearing was closed.
11

12 **3.2 (Project #HOC 16-004) Request from Angela Lancaster for Conditional Use**
13 **Approval to Operate a Home Daycare Located at 1761 East Coverdale Road.**
14

15 Mr. Johnson presented the staff report and stated that the request is to increase the capacity of the
16 daycare facility to allow up to 12 children, which requires Planning Commission conditional use
17 approval. When the request was originally submitted, a site inspection was performed. At that
18 time, a number of nuisance violations were found on the property. The applicant was given one
19 year to resolve the violations and came back in late 2017 indicating that she had done so.
20 Photographs of the property were presented. Given that the nuisance violations were resolved, the
21 applicant was now asking for consideration of her request.
22

23 The applicant, Angela Lancaster, stated that she wants to give children a safe place to grow and
24 develop and be able to take care of her own children at the same time.
25

26 Commissioner Griffin expressed concern with the property being located on a corner and asked
27 Ms. Lancaster about her plans for pickups and drop offs. An aerial photograph of the property
28 was displayed. Ms. Lancaster reported that she will be looking after 10 children from one family
29 so pickups and drop offs will only involve one vehicle. Commissioner Griffin stated that they
30 need to look at the request as though there were 12 cars since consideration was requested for up
31 to 12 children.
32

33 Ms. Frederickson asked how the neighbors were notified. Mr. Johnson confirmed that there was
34 an initial hearing back in October 2016 and notice was sent out in early December with regard to
35 tonight's hearing. Mr. Evans commented that he never received notice.
36

37 Chair Bevan asked the applicant to present a drop off and pickup plan, site plan, and the 14 items
38 on the list as set forth in the staff report. Mr. Johnson indicated that some of the items listed are
39 no longer required at this point and will be part of the application process.
40

41 There were no further public comments. The public hearing was closed.
42

1 **4.0 ACTION ITEMS**

2
3 **4.1 (Project #ZMA-17-005) Request from Mark and Rhonda Swant for a Zone Map**
4 **Amendment to the Properties Located at 6672 and 6690 South Highland Drive**
5 **Rezone from R-1-8 to Residential Office (RO).**
6

7 Chair Bevan reported that the above request is for a zone map amendment to properties located at
8 6672 and 6690 South Highland Drive for a rezone from R-1-8 to Residential Office. Mr. Johnson
9 confirmed that the Commission should make a recommendation to the City Council who will make
10 the final decision.

11
12 Commissioner Allen asked about a traffic study. Mr. Johnson stated that the RO zone allows for
13 similar uses but a different intensity of uses. As a result, until they know exactly what is proposed
14 through a formal application, it would be difficult to anticipate the amount of traffic that will be
15 generated.

16
17 *Commissioner Griffin moved to forward a recommendation of approval to the City Council on*
18 *Project #ZMA-17-005, a request from Mark and Rhonda Swant for a zone map amendment to*
19 *properties located at 6672 and 6690 South Highland Drive, for a rezone from R-1-8 to*
20 *Residential Office (RO). Approval was based on the following:*

21
22 ***Findings:***

- 23
24 1. *The proposed zone map amendment is consistent with the General Plan and the*
25 *City's land use designation for the subject properties.*
26
27 2. *The proposed zone map amendment is appropriate given the context of the*
28 *surrounding development environment and past zone changes in the area.*
29
30 3. *The zone map amendment is being processed in accordance with the procedure*
31 *outlined in 19.90.010, "Amendment Procedure," of the Cottonwood Heights*
32 *Municipal Code.*
33
34 4. *Proper notice was given in accordance with all local and State noticing*
35 *requirements.*
36

37 *The motion was seconded by Commissioner Coutts. Vote on motion: Jesse Allen-Aye, Chris*
38 *Coutts-Aye, Bob Wilde-Aye, Graig Griffin-Aye, Allen Orr-Aye, Chair Craig Bevan-Nay. The*
39 *motion passed 5-to-1.*
40

41 **4.2 (Project #ZTA-17-002) Action on a City-Initiated Proposal to Create an Accessory**
42 **Unit Ordinance.**
43

44 *Commissioner Orr moved to continue the above item to the January 17, 2018 meeting at*
45 *6:00 p.m. Commissioner Wilde seconded the motion. The motion passed with the unanimous*
46 *consent of the Commission.*

1
2 **4.3 Approval of Minutes for October 18, 2017.**

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4 *Commissioner Orr moved to approve the minutes of October 18, 2017. The motion was seconded*
5 *by Commissioner Griffin. The motion passed with the unanimous consent of the Commission*
6 *with one abstention.*
7

8 **4.4 Approval of Minutes for December 6, 2018.**

9
10 Chair Bevan continued the above item to the next meeting.
11

12 **5.0 ADJOURNMENT**

13
14 *Commissioner Orr moved to adjourn. Commissioner Coutts seconded the motion. The motion*
15 *passed with the unanimous consent of the Commission.*
16

17 The Planning Commission Meeting adjourned at 6:57 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Planning Commission Meeting held Wednesday, January 3, 2018.*
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9

10 Teri Forbes

11 T Forbes Group

12 Minutes Secretary

13
14 Minutes approved: February 7, 2018